P 267-95

G. R. S. IX-5]

Previous references. 1895-95.

File No. 161-94

192

Serial Nos. 1 & 5

(K)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Loan granted to Chastri.

Serial Nos. 1 & 5

Part B for March 1896.

SUBJECT.

Application of Kattigawada of Kakkaveli Colombo praying that Loan Bond No. 9 granted for the Acceleration of the Dam Cannu Kattiawada No. 1 for the Benefit of Paddy Cultivation of Kakkaveli Village

Ag. A. L. to the Dep. Comm. Kandy No. 8782/167-95 dated 24-3-1896.

Letter sent for Observations & Report

Recommended

4-4-96

WD 2273 GPD—20,000—14-6-20

Before the Government of ~~His Highness the Maharaja of~~ Mysore.

R. A. ~~161-94~~

Appeal No. 110 of 1894-95

Appellant.
Halle Gowda
represented by
Mr K. T. Ramaswamiengar

Vs.

Respondent.
Timme Gowda
by Mr L. Srinivasayya

Notices Served.
7. 5. 95.

Decision.

Mr B has utterly failed to prove his case. Both the A/C and his father have been in possession of the village for many years. The Rights and title of the members of the family to the village in question and also that the possession of it by the A/C is illegal - both these facts he has not proved - with the exception that he was doing the work for a few years which the A/C can't explain considering he is incompatible with the presumption that he did so as a mere servant of some one else, he has not shown how he would connect himself

~~Kecuali~~ Further reasons
this ~~rayuan~~ appeal were properly
by the appellant's counsel
this ~~rayuan~~ appeal is ~~ditolak~~
dismissed.

Abdul Rahman
25-2-96

Zo Abdul Rahman Suhaimi Sdr
23.2.96 KKS

HGhe
27/2

with any of the Smyda's whose names have been mentioned in the Treaties Granted at Upper Sandusky? Were there two Captains Conjoin in names and did it may be in evidence that one Kellogg Roda has disappeared - What bearing has this upon the case? Was it known upon this case cannot be exactly ascertained - but it has been very clearly established that upon the 1864 was reported his father's name was borne on the Upper several years - It is not clear whether Simpoida mentioned in the Treaty of 1863 & 64 is identical with the father of the Defts - In the absence of rebutting proof the presumption is in favor of the regularity of transactions and it is therefore probable that the names that of the Defts' father - It is thus clear that the title has been conclusively established in favor of the Defts as his father & the Complainants is also with them - Defts has also by from the connection having with the family of the Pratts, have the title passed to him, and been after one resting in him transferred

Submitted

At the hearing of the case today it was ordered that the imperial Register of 1847, if available in the records of this Office, should be obtained & submitted.

There is no Register of 1847 in this Office One of 1863-4 is forth-coming. An extract from it in English is submitted

7/5

Extract from the Patēli Register of Chikmaitanhalli Taluk for Rudhirodgari (1863-64) available in the Records of the Dewan's Office

Village	Registered Hakdars. Name of official & of office	Father's name, caste, and relationship to original Hakdar	Age	Qualification	Hissedars or joint Hissedars, if any	Persons actually doing duty. Name	How related to present official	Qualification	Date of Appointment
Inakuvalli	Giri Gonda	Timme Gonda	35	competent	1/4 ... 4 persons belonging to Giri Gonda's share.	Giri Gonda	Hakdar	competent	—
	———	Komala ———			1/4 ... 4 persons belonging to Kuchigondana Giri Gonda's share ...				
	———	Son ———			1/4 ... 2 persons belonging to Timmegondana Chikke Gonda's share ...				
					1/4 ... 1 person belonging to Hasi Gonda's share.				

1/11

seems to have been wrongly mentioned by mistake

VI. That both the Courts below have not properly appreciated the evidence both oral and documentary adduced in the case on behalf of plaintiff and their decisions are against the weight of evidence and probabilities of the case.

The Appellant reserves the right to produce certified copies of the patkaya receipts of Naikawakli village for the year 1880-81 to 1886-87 (7 years) which would show that Boray Kaseadalwa had been appointed for 7 years and not for 2 years as he has deposed:—

K. F. Narasimhalu Naidu

Advocate for Appellant

Applee
-2-1895-

Gen. Serial No. 32.]

1895

No. 2083 & C. of 94-1

Name of Petitioner. Katti Gnaiga

Village. Hukkanadu

Taluk. Chikmagalur

District. Kadur

Date of Arzi.

Date of Receipt.

Date of Disposal.

No. of Enclosures. 8

ABSTRACT.

Petitioner appeals against the decision of the Deputy Commr of Kadur in Rev. Appeal No 70 of 94-95 regarding the office of Patel of Hukkanadu.

16-2-95 (5

2083.

MYSORE COURT FEE

MYSORE REVENUE OFFICE
PETITION DEPARTMENT
REGD. NO. 2083/95
DATE 18-2-95

Presented by
Mr. K. T. Narasimhappa
Adv.
18/2/95

Encl 8

R.A. 110 of 1894-95

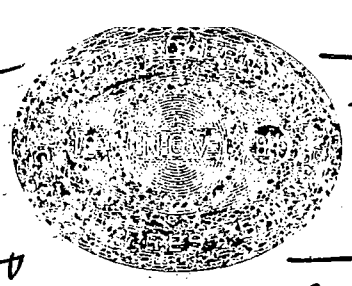
Before the Commissioner of Mysore
The Deputy Commissioner of Bangalore
Revenue Appeal Case
No 110 of 94-95.

Appellant:- Talari Gowda of Kadirenahalli
in the Chikkanayakanahalli Taluk
(Plaintiff).

Respondent:- Thimmegowda, Son of
Dodda Kadirenahalli attached to
Settikere Amanikere of the
Chikkanayakanahalli Taluk
Tumkur District. (Defendant)

The Appellant above named most
respectfully begs to prefer this appeal against
the decision of the Deputy Commissioner of
the Tumkur District in Revenue Appeal
Case No 7 of 1894-95 on the following
grounds; namely: —

I. That the Lower Appellate
Court erred in finding that
Plaintiff failed to prove his
relationship to Giri Gowda, late of
Kodihalli Gowda etc.



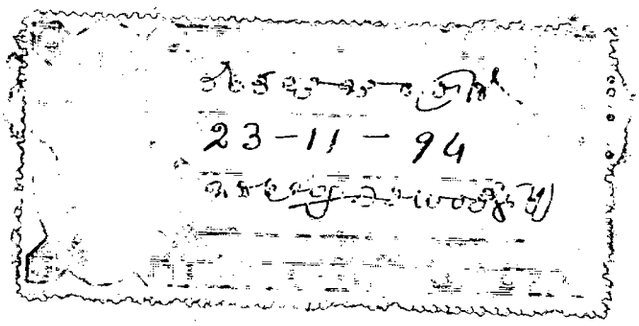
II. That the Plaintiff has clearly proved that he is closely related to the said Gray Goodale;

III. That the defendant is in no way connected with the family of Rhiannon Goodale mentioned in the Register of 1843.

IV. That it has been satisfactorily proved that Rowley Goodale and after him, his son Gray Goodale were looking after the duties and that the said the Plaintiff was looking after the duties of the office of Parish of Wakanelly since 1875 up to 1880 when the decease of his (Plaintiff's) elder, Gray Goodale, of the inference of Plaintiff Commenced to do the duties for and on behalf of Plaintiff and Continued to do the duties till the year 1887.

V. That on the 4th of 1884, instead of succeeding Rowley Goodale's son Gray Goodale, the said Rhiannon Goodale's son Gray Goodale

the [illegible]



(6

In the Court of the Deputy Commissioner of the Tumkur District.

This, 23rd day of November 1894 at Tumkur.

Present:— B. K. Venkatavaradaiyangar.

Revenue appeal case No. 95 of 94-95.

Appellant — Kallejowda of Nakandalli in the Chiknaikanhally Taluk.

Respondent — Timmejowda

Judgment

1. This is a suit for the Patel's office of the village of Nakandalli in the Chiknaikanhally Taluk. It was brought by the appellant, but the General Assistant Commissioner of this District, who tried it, dismissed

dismissed it chiefly on grounds of limitation. Hence this appeal.

2. At the pleadings for the respondent said that he never set pleaded limitation, but that the lower court put it forward on its own motion, I will not go into that question, but proceed to a consideration of the other points of contention.

3. The case of the appellant is this. He says,

(1) that the forefathers and the forefathers of one Giregowda appearing as Patel in the Patel registers are cousins and that therefore he is entitled to the office,

(2) that the said Giregowda made a gift of the office to him through a distant cousin and though he had near relatives,

(3) that thereon he held the office

above such transfers do not take place without record. But no record on this point has been produced nor even oral evidence.

9. Thus the appellant has failed to prove his averments.

10. I, therefore, find myself unable to give him any relief and dismiss his appeal with cost i.e he should bear the cost throughout.

/Sd/ B. K. Venkatavaradiangar
Deputy Commissioner
Tumkur District

Compared
M Ramanna

Copy applied for 23-11-94
Copy ready — 24-11-94
Copy delivered 24-11-94.
No. of words 849
Copying & Comp. fees } 0-12-10.
Paper cost — 0-0-8

Thilangu Narasimhaiyangar
Rev. Shirastadar

office for some years and
then gave it to one Bora as he
became sick,
(4) that that Bora held the
office for some time and
then gave it to the respondent
father and
(5) that on the latter's death,
his son (the respondent
got it.

(4) Now to see how far these
statements of the appellants
have been proved by him.
(5) One or two witnesses say that
the appellant and the said
Giri Gowda are cousins, but
they do not exactly trace the
relationship and it seems
difficult to come to any
definite conclusion on
such vague statements that
the appellant in as alleged
by

by him a member of the family of the said Girejowda. The appellant has produced a table of genealogy in which he has set out the relationship, but there is no evidence whatever of the correctness of the table. I am therefore not unable to say that the appellant has proved that he belongs to the family of the said Girejowda.

6. Nor is there any the smallest evidence to prove that the said Girejowda made a gift of the office to the appellant. Such transfers do not take place so easily, but on reports and other communications between the Taluk and the District Offices. No such documents have been produced, nor has even parole evidence been offered of the alleged transfer. Thus I am unable to say that the appellant has

COURT FEE

EIGHT ANNAS

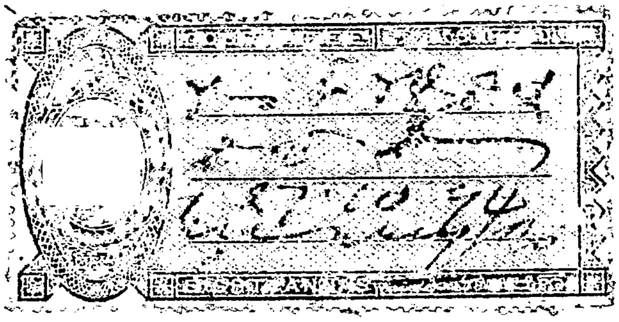
17

has proved that the cadet girl
Sowa made a gift of the office
to him.

In regard to the third point, that
in furtherance of the transfer, the
appellant acted the office for
some time. There is some evi-
dence that he did hold the
office, but it may be that he
merely acted for some time. This
alone does not prove conclusively
that the appellant is a bastard.
He may have acted owing to the
illness of the permanent
incumbent. In fact he acted
again more recently for the
respondent himself when he
was sick and when they were
in good terms.

FWW

3. As to the allegation of the
appellant, that owing to his
illness he transferred the office
to one Bora. There is no proof of
this at all. In fact Bora says
that this is not true. As remarked
above



[illegible]

Gen. Serial No. 31.]

(3) 189

OFFICE OF THE
12276.
21 MAR. 95
Pet 511
L. A. 169-94-3

From The Deputy Commissioner
Tumkur District

To The Chief Secretary
to the Govt. of Mysore

ORDER II
10970

Dated 19th March 1895

Despatched 20th —do—

Received

Enclosures No. 3 files

General No. 794.
No.

His offl. Memo No. Pet 1249
of the 11th March 1895

Submitting the
entire record connected
with the appeal of
Kallagowda of Nakka
valli in the Chickan-
nayakenhalli Taluk

Peter
21.3.95.

Bring up when posted

Case
V/23/3

(23

No. 794
Enc: 3 files

Tumkur District
Deputy Commissioners Office
Tumkur 19th March 1895

To

The Chief Secretary to the
Government of Mysore

Sir,

As required in your official Memorandum no Pet/1249 of the 11th March 1895, I have the honor to submit herewith the entire record connected with the appeal of Kallegowda of Makavalle in the Chickanayakan halli Taluk, regarding the office of Patel of the said Makavalle village.

2. The appeal petition with its enclosures received with the above Memo is herewith resubmitted.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner
Tumkur District

[illegible] 1884-85 [illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]					[illegible]	[illegible]	

([illegible])

[illegible]

[illegible] 11 - 44

[illegible] 5

[illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]			[illegible]

[illegible]

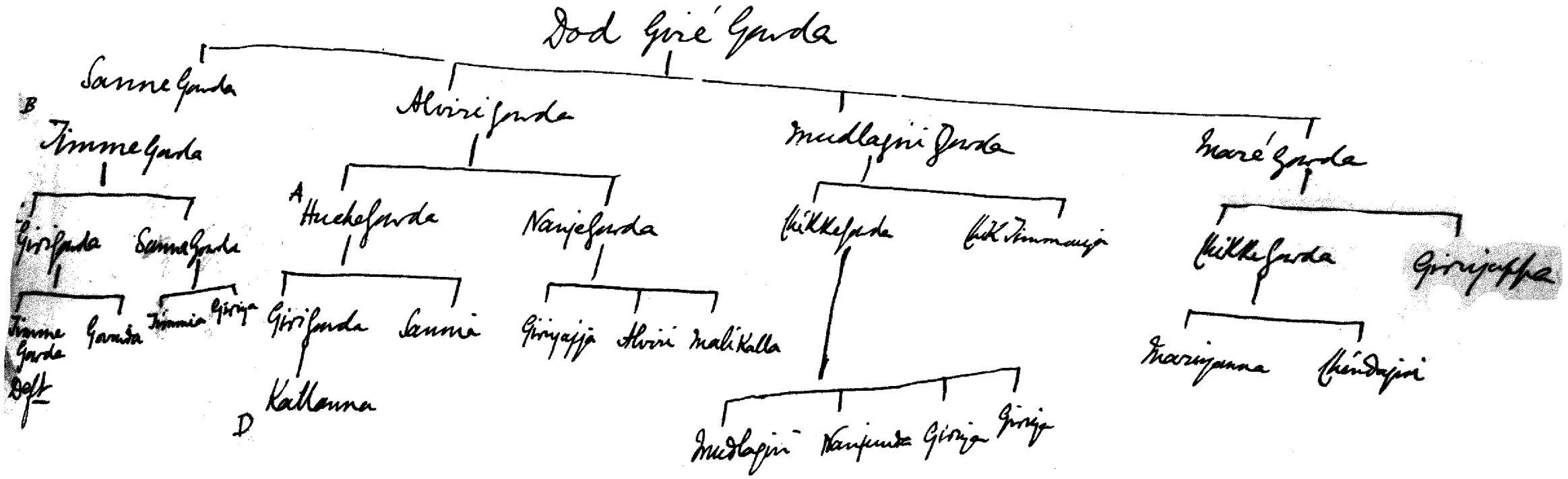
57 [illegible]

the 2nd allegation, there is no satisfactory proof in the records to show that ~~the~~ Girji Gordan's name was removed from the register and Plaintiff's name entered in 1875-76. In the Jirat (Register of 1875-76 Girji Gordan's name is itself entered, but under the head "Whether deceased" it is stated - sanctioned to Kallanna (Exhibit 37 verso). Such an entry under this head was suspicious and the correspondence and registers — from 1875-76 up to 1879-80 were examined. It is clear that there was no order whatever either for the removal of Girji Gordan's name or for ~~the~~ the entry of Kallay Gordan's name. On the 23rd Dec. 1879 the Amildar reported in his Khaziji No 508 that Girji Gordan was old and feeble and that the office should be registered in the name of Shivinanna (defendant). On receipt of order No 506 dated 25th Dec 1879 was opened by the Deputy Commissioner for the purpose it may be supposed ~~to be arranged~~ warranted for the alteration of work. It is not therefore possible to believe that Girji Gordan's name was removed and Plaintiff's name entered in 1875-76.

8. There is no reference in the records to show that plaintiff took leave in July 1880. If he had taken leave there was no reason why he should have kept quiet to be struck from the active army. The defendant denies that plaintiff ever did duty. He says that at the desire of his father a different man who bore the name of plaintiff did duty for some time to help him (Defts father) Even if the plaintiffs allegation be admitted as true his claim is barred by limitation as he kept quiet for more than 12 years.

9. For these reasons plaintiffs suit is dismissed with costs.

30th June 1894. C. H. Ramachandra Row
Asst. Comr.



Produced by Defendt.

(17)

Note - The connection of Timme Gauda B with the rest of the genealogical table is not shown - The defendant states in his written statement :—

(1) The Halakeri or Register Hucheg Gauda, and Timme Gauda, shown in the Genealogical table produced by Plff are those marked A & B - The names of these are entered in the Register of 1843 - In 1847 the name of Hucha Gauda alone appears.

(2) The Register of 1863-64 shows that the name of Giri Gauda son of Timme Gauda was entered on 13 March 1865 - It is not true that the said Giri Gauda was the son of Hucha Gauda as Plff & Plff in the [illegible] Gauda

(3) The [illegible] marked C was Giri Gauda son of Timme Gauda - During his life time Kallamma D did duty

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. [illegible]
dated [illegible] received at the
Dewan's Office from [illegible]
[illegible]
is forwarded, together with its enclosures, to the [illegible]

By Order.

BANGALORE,
[illegible] 189[illegible].

Chief Secretary.

M.G.C.P.B.—19-2-95—1,000

(24

In the Court of the General Sessions

Commissioner Dunbar

Plaintiff

Defendant

Kaikoura

Judgment.

This suit is brought for the recovery of the office portion of the Kaikoura Electric Power Board rates (Rs 7/-) the defendant was duly served with the Plaintiff's Summons and Particulars of Claim and failed to appear. Judgment was therefore entered for the Plaintiff by default on the 28th February 1968 for the sum of $7.00 and costs of Court $2.00 total $9.00 and the Bailiff's fee of $1.00 was allowed.

Judgment for Plaintiff

5. In the plaint averred in Melbourne 1872 finding the present plaintiff Neil Gordon, it is averred that in 1875-76 the defendants father Eyre Gordon act- the office be registered in his (plaintiff) name instead of his own name, that Eric then and he (plaintiff) died shortly after 27th June 1882, when accomplished Eric took leave and otherwise appointed to act and that the office should not be registered in his name instead of defendants and, hopelessly given to him.

6. The defendant contends that with his knowledge whatever & indemnity the office should (defendant) not the plaintiff that through his father and found father were in enjoyment of it.

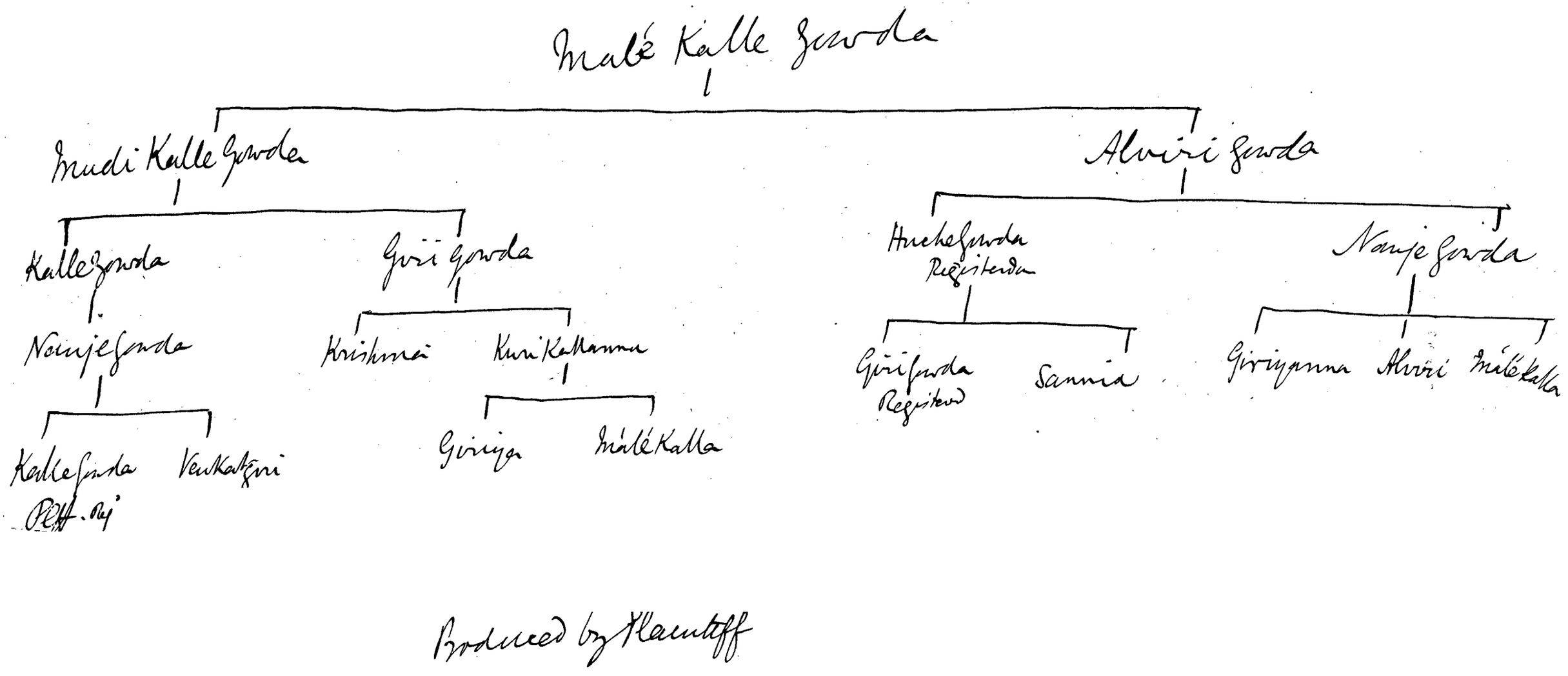
7. The plaintiffs suit is based mainly on two facts—

1. that the late Registrar Eyre Gordon was his uncle,

2. that in 1875-76 his own name was registered instead of Eyre Gordons and that he died early

Dec 1882.

The first allegation is proved & the genealogical tree produced by plaintiff himself from which it is clear that Eric Gordon was not related in the direct line but a distant cousin and plaintiff & uncle Gordon (deceased) Eyre Gordon



Produced by Klauttff

3° 1721

Proceedings of the Govt. of Bengal
A. C. 161-94-4.

ORDER
10971

Rec. —

Petition No. 2083/110 dated 18th July 1893 from Kalli Gonda of Chandanalli, Cheruvagarachalli Taluk, praying against the order of the Deputy Commissioner, Tumkur District in Rev. Appeal No. 7 of 1894-95 dismissing the Petitioner's suit for the Patel of Chandanalli.

Kalli Gonda
Plff. Appt.
vs
Timme Gowda
Defr. Respt.

(2) Papers received with Letter No. 792 dated 19th March 95 from the Deputy Commissioner & Sessions Judge, Tumkur, from which the facts appear & the Petition, as follows: —

In the Register of 1843, the name of Timme Gowda ~~[illegible]~~, and Timme Gowda's ~~[illegible]~~, are entered as Shanbogs & the Patels of Chandanalli; but in the Register of 1847, the name of Timme Gowda alone is entered

In the Register of 1861, the name of Giri Gonda son of Hirde Gonda (son of Dhani Gonda) is entered, but in the Register of 1863-64 the name of Giri Gonda son of Khuina Gonda is entered as Kakdar and Hirde Gonda son Giri Gonda is shown as Kamdar. The name of Giri Gonda appears also in the Register of 1870-71-72. But in the next the appointment of the Kamdars is altered. On the death of Giri Gonda, his son, the Defendant was appointed as Patel in 1889-90.

The Plaintiff says that he is a Great grandson of the uncle of Hirde Gonda, Dhani Gonda, referred to in the Register of 1861, But Giri Gonda appears in the Register made a gift of the office to him, but after holding it for some years he gave it to one Nora and Nora the latter gave it to the defendant's father Giri Gonda.

The Defendant states that he is the son of Giri Gonda son of

Fanima Jones referred to in the Register of 1862 - 63, and that Fanima Jones referred to in the Register of 1863 was his grandfather. He argues that William referred to in the statement of 1875 - 76 is not the Plaintiff but a different person who died during a time Plaintiff's father was alive and before the country during famine.

The Assistant Commissioner who tried the suit and the Deputy Commissioner on appeal held that the relationship and the pedigree referred to by Plaintiff were not proved

8782. Order No
P.J. 67 - 95 En: 2 Ver: Files -
D 24.3.76.
27

The Plaintiff has entirely failed to prove his case. But the Defendant said his father has been in possession of the office, but before the latter his grandfather held the office. The Register produced their names. It is incumbent on the Plaintiff to show not only his own title to the office in question but also that the Defendant's [illegible]

The Jordan Nana is required recommendation. But the Jordan was not the father of Defendant Jordan Jones, vide Genealogical table given by Defendant's witness Stephen Defendant's father was Simmons Ebiriba. Who is shown as a Barrister in the Register book 3. His name does not appear in the Register of 1867 or 1861, and he cannot be the Deputy to Chief Ada before Defendant Jordan Jones Jordan. Jordan before Defendant

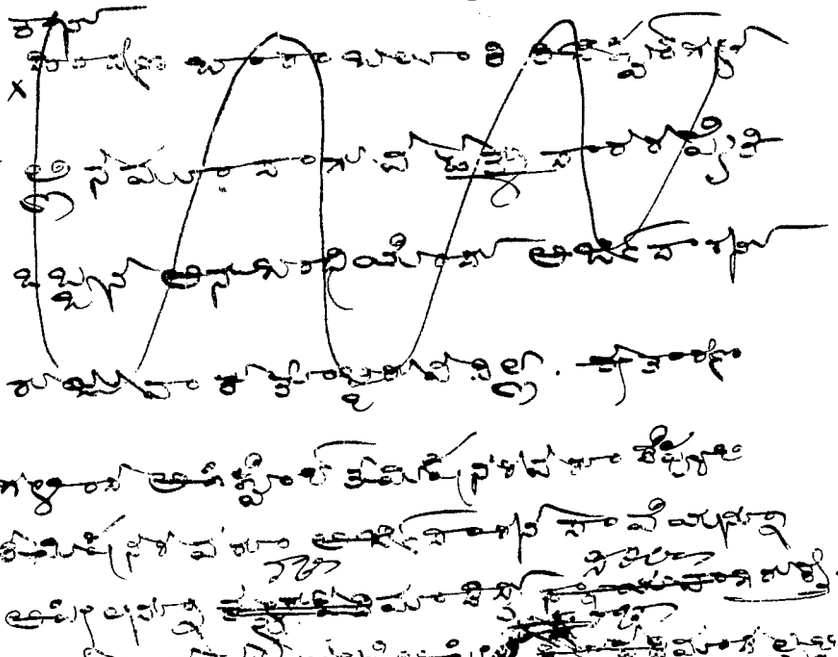
(33

is illegible. But there fore he has
not proved to the satisfaction that
he was doing the work for a fair
year, which the Deputy Commissioner
rightly considered not to be reasonable
with the presumption that he did
so was sufficient for some one
else to [illegible] the land
Commissioner with any of the
Assistant Commissioners Revenue
Authorised to Possession Boundaries
Registers. For these reasons his
case was appeal were dismissed
dismissed by the Assistant and
Deputy Commissioners and the
second appeal is dismissed.)

Appr. A 24/3/96 ucb 21/3/96

Secretary

To the Deputy Commissioner
Limerick Richard Lee Esq.

Enclosed is Petn Papers

Rec'd 15/4/96